

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN R. GRAY,

Plaintiff,

v.

CITY OF HAYWARD POLICE
DEPARTMENT, et al.,

Defendants.

No. C 05-0855 MMC (PR)


ORDER OF DISMISSAL

On February 28, 2005, plaintiff, a California prisoner proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. On March 2, 2007, noting that plaintiff had not filed anything in the action for approximately eight months, including any opposition to defendants' motion to dismiss or to defendants' subsequent motion for summary judgment, the Court ordered plaintiff to notify the Court within thirty days as to whether he intends to prosecute this matter. In its order of March 2, 2007, the Court cautioned plaintiff that his failure to so notify the Court within the prescribed time would **"result in the dismissal of the above-titled action for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure."** (Emphasis in original.) As more than thirty days have passed, and plaintiff has not notified the Court as to his intent to prosecute this matter, the above-titled action is hereby DISMISSED, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, for failure to prosecute.

The Clerk shall close the file.

IT IS SO ORDERED.

DATED: April 18, 2007


MAXINE M. CHESNEY
United States District Judge